

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAMELA DELVER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:06cv266

Weber, J.
Bowman, M.J.

SUPPLEMENTAL REPORT AND RECOMMENDATION

This matter is before the Court *sua sponte* to address an issue that was recently brought to the undersigned's attention regarding the ordering of payment of an award of attorney fees jointly to plaintiff and her counsel as was recommended in the Report and Recommendation dated September 9, 2011 (Doc. 30). The Commissioner has informed this Court, in *Dudley v. Comm'r of Soc. Sec.*, 1:09cv749-SJD-SKB (Doc. 23), that the Treasury Department payment system is unable to issue joint checks as was ordered in that case. Based upon this new information, the Court now supplements its prior recommendation as to the payment of the award of attorney fees and recommends that the award of attorney fees be paid directly to Plaintiff, less any monies determined to be owed to the United States.¹ This Supplemental Report and Recommendation does not alter any other recommendations set forth in the Report and Recommendation (Doc. 30).

s/Stephanie K. Bowman
United States Magistrate Judge

¹ If evidence of a proper assignment had been submitted to the Court, the undersigned would have been inclined to recommend that the award be made directly to Plaintiff's counsel. However, no such evidence is present before the Court.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAMELA DELVER,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:06cv266

Weber, J.
Bowman, M.J.

NOTICE

Pursuant to Fed. R. Civ. P 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).